

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2484 OF 2001

M/s.Prakash Cotton Mills Ltd. ...Petitioner

Versus

State of Maharashtra & Ors. ...Respondents

Shri Sanjay Jain alongwith Aziz Khan i/by Gabriel Pillai
for the Petitioner.

CORAM : ABHAY S.OKA, J.
DATED : APRIL 23, 2007.

P.C.:

1. Heard learned counsel appearing for the Petitioner. He submitted that the learned President of the Tribunal has exceeded the jurisdiction by issuing a clarification which he has made while passing the impugned order. He submitted that while dealing with contempt application, such a clarification could not have been issued by the President of the Tribunal. He, therefore, submitted that the order passed by the Tribunal exceeded the scope of the contempt application.

2. I have considered the submissions. In the impugned order the learned President has recorded thus:

". In view of the Undertaking filed by the Appellant on 9.5.2001 and the submission on behalf of the parties in the course of hearing

it is apparent that the parties have reached an understanding regarding the disputed questions in this matter".

3. The aforesaid portion of the impugned order indicates that the order was passed by the learned President on the basis of the understanding reached between the parties. Apart from this fact, it is obvious that the impugned order does not decide the rights between the parties. No case is made out for interference in this Petition under Article 227 of the Constitution of India. However, it will be open for the Petitioner to take out an appropriate Application before the learned President of the Tribunal for seeing necessary clarification. Subject to what is stated above, the Petition is rejected.

JUDGE